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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic, Social and Cultural Rights

TRINIDAD AND TOBAGO

1. The Committee on Economic, Social and Cultural Rights considered the second periodic report of Trinidad and Tobago on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/6/Add.30) at its 15th and 16th meetings, held on 8 May 2002 (E/C.12/2002/SR.15 and 16), and adopted, at its 27th meeting, held on 17 May 2002, the following concluding observations.

A. Introduction

2. The Committee welcomes the second periodic report of the State party, which was prepared in general conformity with the Committee's guidelines. While the Committee regrets the late submission of the second periodic report, it is pleased to have been able to reinitiate a dialogue with the State party However, it regrets that the delegation did not comprise sufficient experts in the field of economic, social and cultural rights.

B. Positive aspects

3. The Committee welcomes the establishment of the Human Rights Unit within the Ministry of the Attorney-General in 1998.

4. The Committee takes note with satisfaction of the adoption of legislation during the past five years, including the Equal Opportunity Act, the Domestic Violence Act, the Maternity Protection Act and the Children (Amendment) Act.

5. The Committee welcomes the State party's ratification of the 1951 Geneva Convention relating to the Status of Refugees and the 1967 Protocol thereto.

6. The Committee welcomes the establishment of the Domestic Violence Unit within the Gender Affairs Division.

7. The Committee commends the introduction of free secondary education for all.

C. Factors and difficulties impeding the implementation of the Covenant

8. The Committee takes note from the statement of the delegation that the current political stalemate in the State party is impeding the enactment of legislation relating to the advancement and full realization of economic, social and cultural rights for the people of Trinidad and Tobago.

D. Principal subjects of concern

9. The Committee is deeply concerned that the State party has not incorporated or reflected the Covenant or its provisions in the domestic legal order and that the State party could not provide information on case law in which rights contained in the Covenant were invoked before the courts.

10. The Committee is concerned that the State party has not yet formulated a comprehensive plan of action on human rights in accordance with paragraph 71 of the 1993 Vienna Declaration and Programme of Action.

11. The Committee is concerned that economic, social and cultural rights are not part of the mandate of the Ombudsman.

12. The Committee notes with concern that the State party has not ratified a number of ILO Conventions relevant to economic, social and cultural rights and that it has denounced various human rights instruments, including the first Optional Protocol to the International Covenant on Civil and Political Rights.

13. The Committee is concerned at the lack of disaggregated data in the State party's report and written replies, especially with regard to gender participation in employment, participation of women and children in the informal sector and poverty, in particular with regard to disadvantaged and marginalized groups.

14. The Committee is concerned about the lack of specific and comprehensive anti-discrimination legislation in the State party. The Committee is particularly concerned that the Equal Opportunity Act 2000 does not afford protection to individuals on the grounds of sexual orientation, age and HIV/AIDS status, among others.

15. The Committee is concerned about the lack of facilities for persons with disabilities, who are unable to participate in many occupations owing to physical barriers and lack of equipment.

16. The Committee is concerned about the high rate of unemployment in Trinidad and Tobago, in particular among young people between 15 and 19 years old.

17. The Committee notes with concern that women earn less than men for work of equal value, especially in the private sector.

18. The Committee is concerned that the minimum wage is not sufficient to provide a decent standard of living for workers and their families.

19. The Committee is deeply concerned that the minimum age for work, which is too low, in certain cases as low as 12 years, leaves children more vulnerable to exploitation and prejudices their right to education.

20. The Committee is concerned at the range of categories of workers denied the right to strike with legal justification. The Committee also notes with concern the existence of legislation that greatly restricts the recognition of trade unions in collective bargaining with employers.

21. The Committee is concerned about the high rate of child labour. In this respect, the Committee notes with concern that the State party has not ratified ILO Convention No. 182 on the Worst Forms of Child Labour.

22. The Committee is concerned that despite some positive initiatives, including the establishment of the Domestic Violence Unit, the incidence of violence against women remains high. The Committee also notes with concern the persistence of gender stereotypes that discriminate against women.

23. The Committee is concerned that clandestine abortion is the cause of a high rate of maternal mortality due to infections and complications from procedures performed under unsanitary conditions by untrained personnel.

24. The Committee also notes with concern the continuing high rate of HIV/AIDS, especially among young women.

25. The Committee notes that the State party, in answering questions about specific programmes devoted to reducing and preventing infant mortality and maternal mortality, as well as teenage pregnancies and back-street abortions, did not provide disaggregated data on a comparative basis which would put the Committee in the position to ask focused questions as to how the delineated health programmes have actually been put into practice.

26. The Committee is deeply concerned about the living conditions of prisoners and detainees in the State party, especially with regard to access to health care and adequate food and basic facilities.

27. The Committee is concerned about the large number of people living below the poverty line, especially women heading single parent households, who receive insufficient protection from the State party in the enjoyment of their economic, social and cultural rights.

28. The Committee is deeply concerned about the lack of housing programmes to provide the poorest members of society with appropriate accommodation. The Committee is also concerned at the number of urban squatter communities which are exposed to forced evictions, in the light of the highly restrictive legal conditions governing their right to tenure.

29. While the Committee welcomes the abolition of corporal punishment in schools, it is concerned at the continued resort to corporal punishment at home and for adult males in the justice system.

30. The Committee is also concerned at the high rates of domestic and sexual violence, the excessive use of force by the police and the persistence of a generalized "culture of violence" in Trinidad and Tobago.

31. The Committee is concerned that problems of persisting overcrowding in hospitals, lack of staff and non-accessibility of basic drugs have put great strain on the public health service, which has detrimental effects on access to basic health-care facilities, goods and services, especially for the disadvantaged and marginalized groups of society.

E. Suggestions and recommendations

32. The Committee urges the State party to ensure that economic, social and cultural rights are incorporated in national domestic legislation and made justiciable. The Committee points out that, irrespective of the system through which international law is incorporated in the domestic legal order (monism or dualism), following ratification of an international instrument, the State party is under an obligation to comply with it and to give it full effect in the domestic legal order. In this respect, the Committee draws the attention of the State party to its General Comment No. 9 on the domestic application of the Covenant.

33. The Committee recommends that the State party formulate and implement a comprehensive national plan of action for the protection and promotion of human rights, as recommended in paragraph 71 of the 1993 Vienna Declaration and Programme of Action, and include information on this matter in the next periodic report.

34. The Committee recommends that the State party provide the Ombudsman with powers to deal with all human rights issues, including economic, social and cultural rights.

35. The Committee recommends that the State party ratify the ILO Conventions relevant to economic, social and cultural rights and to withdraw its reservation to article 8 of the International Covenant on Economic, Social and Cultural Rights. In addition, the Committee notes with interest the State party's declaration that it will reconsider its position regarding the denunciation of human rights instruments.

36. The Committee requests the State party to provide in its next periodic report extensive gender disaggregated data in order to facilitate the analysis of trends, progress or worrying tendencies with regard to the enjoyment of economic, social and cultural rights.

37. The Committee recommends that the State party take legislative and other effective measures to eliminate discrimination, in accordance with article 2.2 of the Covenant. In particular, the Committee wishes to encourage the State to undertake proactive policies to promote the rights of individuals, especially with regard to their sexual orientation and HIV/AIDS status.

38. The Committee urges that the State party enact specific legislation and adopt concrete measures to ensure better living conditions for persons with disabilities.

39. The Committee recommends that the State party take effective action to reduce unemployment among young people by providing further vocational training opportunities.

40. The Committee urges the State party to take legislative and other measures to ensure equal pay for work of equal value for men and women.

41. The Committee recommends that the State party review the minimum wage level in order to enable workers to attain an adequate standard of living for themselves and their families.

42. The Committee urges the State party to review and harmonize legislation on the minimum working age and to implement measures to provide children with sufficient legal protection. In this regard, the Committee recommends that the State party ratify ILO Convention No. 138 concerning Minimum Age for Admission to Employment.

43. The Committee recommends that legislation preventing workers from striking be reviewed in the light of the State party's international commitments and that the requirements for trade union membership be lowered, in order to facilitate more constructive and meaningful dialogue between workers and employers. The Committee also urges the State party to ensure that mechanisms for monitoring conditions at work are provided with sufficient human and financial resources to enable them to protect the rights of workers effectively.

44. The Committee urges the State party to take effective legislative and other measures in order to address child labour. In this regard, the Committee recommends that the State party ratify ILO Convention No. 182 on the Worst Forms of Child Labour.

45. The Committee calls upon the State party to take all effective measures, including the enforcement of existing legislation and the extension of national awareness campaigns, to eliminate all forms of violence and discrimination against women.

46. The Committee requests the State party to provide in its next periodic report detailed information based on comparative data about the problem of abortion in Trinidad and Tobago and the measures, legislative or otherwise, including the review of its present legislation, it has undertaken to protect women from clandestine and unsafe abortion.

47. The Committee, while noting the sustained efforts made to address HIV/AIDS problems, urges the State party to step up its measures to combat HIV/AIDS and, in particular, to enhance the provision of education on sexual and reproductive health.

48. The Committee recommends that the State party, in its next periodic report, provide more detailed statistics on a disaggregated and comparative basis concerning specific health programmes devoted to reducing and preventing infant mortality and maternal mortality, as well as teenage pregnancies and back-street abortions. The State party is invited to set benchmarks in this area which might form the basis of the dialogue with the Committee during the next periodic review.

49. The Committee urges the State party to enact specific legislation and adopt measures necessary to improve the living conditions of prisoners and detainees.

50. The Committee urges the State party to integrate economic, social and cultural rights into its poverty reduction programmes. In this regard, the State party is urged to give the most careful attention to the Committee's Statement on poverty and human rights of 4 May 2001 (E/C.12/2001/10).

51. The Committee urges the State party to devise a housing strategy for disadvantaged and marginalized groups and to provide low-cost housing units to them. The Committee also urges the State party to provide more disaggregated data on squatters, as well as to adopt measures to improve their legal position with regard to their security of tenure. In addition, the Committee recommends that the State party take into account the Committee's General Comments 4 and 7 on the right to adequate housing and on forced evictions.

52. The Committee calls on the State party to prohibit effectively the use of corporal punishment in all areas of life.

53. The Committee calls upon the State party to exercise the full authority of the law and all means at its command to eradicate the scourge of violence. The Committee reminds the State party that, in undertaking measures to combat violence, it must ensure respect for human dignity and the protection of human rights at all times. The Committee requests the State party to provide in its third periodic report detailed information on the measures it has taken and the progress it has achieved in its efforts to eradicate all forms of violence, particularly violence against women and children and excessive force used by the police.

54. The Committee recommends that the State party provide in its next periodic report, on a disaggregated and comparative year-by-year basis, facts and figures on access to basic health-care facilities, goods and services, and similar figures about the development of a private health-care system, including on the effects of this on continued access to health facilities by the disadvantaged and marginalized groups of society.

55. The Committee encourages the State party to continue to provide human rights education in schools at all levels and to raise awareness about human rights, in particular economic, social and cultural rights, among State officials and the judiciary.

56. The Committee requests the State party to disseminate the present concluding observations widely at all levels of society, in particular among State officials and the judiciary, and, in its third periodic report, to inform the Committee on all steps taken to implement them. The Committee also recommends that the State party involve non-governmental organizations and other members of civil society in the preparation of its third periodic report.

57. Finally, the Committee requests the State party to submit its third periodic report by 30 June 2007 and to include in that report detailed information on the steps it has undertaken to implement the Committee's recommendations contained in the present concluding observations.